

# **Appendix L**

## **Information Forwarded to Customs Staff About the Personal Search Process**

---

Throughout this revised edition of the Personal Search Handbook, you will find a number of significant changes from the March 1997 edition. The reasons for the changes summarized below are discussed in the Message from the Commissioner.

1. A Customs supervisor must approve all patdown personal searches.
2. A supervisor must fill out a Supervisor's Check Sheet (appendix C in the handbook) for all negative personal searches. This check sheet ensures that persons who were searched receive information about why they were searched and provides mechanisms for receiving their feedback. They may give feedback either by speaking immediately to a supervisor or passenger service representative, or later by filling out a comment card.
3. Any person delayed for two hours for a personal search will be given the opportunity to have a Customs officer notify someone, including an attorney, of the delay (attachment 3 in the handbook) unless probable cause has been developed.
4. A port director must approve all searches that require moving a person to a medical facility for a medical examination. In the event of prolonged detention (eight hours or longer) where the Assistant U.S. Attorney (AUSA) determines that probable cause has not been developed, but reasonable suspicion does exist, the port director must approve further detention.
5. Customs officers can consult with Customs counsel at any time. Such consultation is mandatory for all medical examination.
6. When Customs detains a person for eight hours, the local U.S. Attorney's Office must be contacted. If an AUSA believes probable cause has been established, the AUSA will apply for a warrant before a magistrate.

- 7. If, after a person has been detained for eight hours and an AUSA believes reasonable suspicion exists, it is within the sole responsibility of the Customs Service to determine whether or not the detention shall continue. If the AUSA believes that reasonable suspicion does not exist, the Customs Service will release the detained person.**
- 8. When taking a person to a medical facility for a medical examination, Customs officers are required to explain the process and the timelines, without jeopardizing law enforcement issues (attachment 4 in the handbook).**